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EXHIBIT 2

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 1               IN THE UNITED STATES DISTRICT COURT

 2            FOR THE EASTERN DISTRICT OF VIRGINIA

 3                     RICHMOND DIVISION

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                                           :
 6      ePLUS, INC.                        :   Civil Action No.
                                           :   3:09CV620
 7      vs.                                :
                                           :
 8      LAWSON SOFTWARE, INC.              :   January 12, 2011
                                           :
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11            COMPLETE TRANSCRIPT OF THE JURY TRIAL

12          BEFORE THE HONORABLE ROBERT E. PAYNE

13        UNITED STATES DISTRICT JUDGE, AND A JURY

14
       APPEARANCES:
15
       Scott L. Robertson, Esquire
16     Michael G. Strapp, Esquire
       Jennifer A. Albert, Esquire
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23

24                   Peppy Peterson, RPR
                   Official Court Reporter
25               United States District Court
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1   rendered in this case at a high level?

2   A   I was asked to investigate the structure, function, and

3   operation of specific features within the Lawson system.

4   Q   Did you render any opinions on whether the Lawson system

5   you studied infringes the patents?

6   A   No, I was not asked to. I did not.

7   Q   Do you understand whether or not ePlus has another expert

8   that performed that function?

9   A   Yes, my understanding is that Dr. Weaver is responsible

10 for rendering those opinions.

11 Q   Could you describe for the jury the circumstances under

12 which you reviewed the Lawson source code?

13 A   Yes. The source code was made available at a secure

14 location in Washington, D.C. I traveled to that location on at

15 least seven occasions and spent a total of at least 19 days

16 reviewing the source code. I was also able to print excerpts

17 of the source code for later review.

18 Q   Did you review the entire amount of the source code that

19 was produced by Lawson?

20 A   No. I reviewed the portions of it that I determined were

21 applicable to the functionality I was asked to investigate.

22 Q   What specific functions of Lawson system were you asked to

23 investigate?

24 A   I was asked to look at features of the S3 product

25 including category and keyword search, shopping cart

Niemeyer - Direct   1229

1   functionality, requisition creation, purchase order generation,

2   and what's known as punchout.

3   Q   How did you figure out --

4   THE COURT: Go through those again, would you?

5   Category, search?

6   THE WITNESS: Category and keyword search, category

7   search and keyword search, shopping cart functionality,

8   requisition generation, purchase order generation, and what

9   Lawson calls their punchout feature.

10   THE COURT: Thank you.

11   Q   And how did you figure out what source code was relevant

12   to those functions?

13   A   I began by reviewing the available demonstration material

14   which illustrated the functionality, and from there I was able

15   to identify the user interface features that supported that and

16   the code which implements or supports those user interface

17   features.

18   From there I was able to trace the flow of the program

19   from the user interface elements through the, what I call the

20   back end, the Lawson 4GL COBOL programs, and ultimately to the

21   database structures involved. This is the kind of thing you do

22   routinely in working with software, so I was able to trace the

23   flow through the code.

24   Q   Besides the source code itself, were there any other

25   documents that you found particularly helpful to your study and

Niemeyer - Direct   1230

1   understanding of Lawson source code?

2   A   Yes.   There were Lawson technical documents that I

3   reviewed.   One in particular that comes to mind is the Lawson

4   4GL application programmer interface reference document.

5   MS. ALBERT: Could you please put on the screen

6   Plaintiff's Exhibit 470.

7   Q   Mr. Niemeyer, you could either look in your binder or its

8   on your monitor there.   Could you take a look at Plaintiff's

9   Exhibit 470, and is this the document that you referenced?

10   A   Yes, it is the one I was referring to.

11   Q   How did you use this document during your study of

12   Lawson's source code?

13   A   So this is a reference document of the type that a

14   programmer would use when developing this Lawson systems.   It

15   is sort of a dictionary or encyclopedia-like document that

16   defines specific features provided by the Lawson system to the

17   programs.

18   So as I would come across usages of these features within

19   the source code, I would reference this document to learn their

20   precise meaning and usage.

21   Q   Is this reference manual the type of document that a

22   source code expert like you would reasonably rely on in reading

23   and understanding the functionality of source code?

24   A   Yes, it is.

25   Q   Mr. Niemeyer, approximately how many hours would you say

1   key table is the ITEMMAST table on the left of this diagram

2   which contains information about items that can be

3   requisitioned within the system, and from -- another table that

4   I'll point out is the POITEMVEN which contains vendor

5   information pertaining to specific items within the ITEMMAST

6   table.

7   Q   You mentioned this term relational database. What is a

8   relational database?

9   A   The term relational just means that a piece of data within

10 the database can refer to or point to another piece of data in

11 various ways.

12 Q   Would you explain the difference between when you say the

13 item master database and when you are referring to this item

14 master or ITEMMAST table?

15 A   Yes. So the ITEMMAST table is a specific table within the

16 database. More generally, Lawson documentation refers to the

17 database as a whole or collectively as the item master

18 database, presumably drawing its name from that key table.

19   THE COURT: The ITEMMAST table has what in it?

20   THE WITNESS: It consequence /TAEUPBS information

21 about items which can be requisitioned.

22 Q   What are some of the types of information about the items

23 that are contained in that table?

24 A   It contains an item number for the item, a textual

25 description of the item, and other information about the item.

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1   screen.

2   Q   What, if any, database tables does the source code use to

3   conduct this category search functionality?

4   A   There are two. One is called IC item code, ICITEMCODE,

5   and the other is the previously mentioned ITEMMAST table.

6   Q   Do both of those tables belong to that same item master

7   database that you described earlier?

8   A   Yes, they do.

9   Q   What information is contained within that ICITEMCODE table

10   that would be relevant to searching by category?

11   A   The ICITEMCODE table contains the textual description of

12   the levels of the UNSPSC hierarchy and the corresponding codes

13   that are assigned to those levels.

14   Q   And what information does the item master table store that

15   is relevant to searching by category?

16   A   The item master table contains -- in addition to the item

17   descriptions, contains the corresponding UNSPSC codes

18   indicating where they belonged in that hierarchy.

19   Q   When the category selection is chosen by a user from that

20   find/shop menu, what is the first thing that happens in the

21   source code?

22   A   When a user chooses to bring up a category search screen,

23   a request is made from the user's web browser to the back end

24   of the Lawson system. Specifically Lawson calls this kind of

25   request a data request, and it is -- it is handled by the --

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1   These are prefixed with the KWD abbreviation, and they are

2   keyword synonym, keyword master, keyword detail, and keyword

3   setup. These tables comprise an index of the available search

4   terms, and then there are three tables above, ITEMMAST which I

5   previously mentioned, POITEMVEN, and a table called ITEMLOC,

6   I-T-E-M-L-O-C, are used after the search is performed to

7   retrieve the item information.

8   Q   And do all of these tables belong to that item master

9   database that you illustrated earlier?

10   A   Yes, they do.

11   Q   What data is contained or what is the keyword detail

12   table?

13   A   Keyword detail table is the key index of search terms, and

14   it relates a specific search term which has been found to the

15   origin field in which it was located and the item number of the

16   item in which it was found.

17   Q   And what types of data is contained in that table?

18   A   Well, as I said, there's an item number, a keyword, and an

19   origin field.

20   Q   Would you please explain briefly how the functionality to

21   build the keyword detail table is implemented in the source

22   code?

23   A   So my understanding is when the system is set up

24   initially, users determine which origin fields are to be

25   enabled for search, and the terms are gathered from the data

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1   browser and hits the search button, the search term is conveyed

2   as part of a request to the server side components which causes

3   the Lawson 4GL COBOL program called RQIC to be executed. The

4   RQIC program ultimately performs a search of the keyword detail

5   table for occurrences of that term that have been previously

6   indexed.

7   Any matching records from the keyword detail table are

8   then used to find the corresponding items in the ITEMMAST table

9   and data gets gathered from the PO and ITEMLOC tables. All of

10 those results are formatted as XML and ultimately returned to

11 the item web browser and formatted as a search word.

12 Q   When the search code searches the keyword tables to locate

13 the keywords that the user typed in, does the source code

14 search the item master table at all?

15 A   No, it does not. It only searches the keyword detail

16 table and the associated keyword tables.

17 Q   Now, I'd like to turn to the functionality for the adding

18 items to a shopping cart and building a requisition. Does the

19 source code of the Lawson system implement functionality that

20 allows a user to select desired items for requisition from a

21 list of results returned from either this category or keyword

22 search that you discussed?

23 A   Yes, it implements a shopping cart functionality whereby

24 the user can indicate that an item from a search result should

25 be added to the shopping cart. Items can be added and removed

1 until checkout operation is performed. Similar to the way you

2 shop on Amazon or another web business.

3 Q   Now, what, if any, database tables are involved in this

4 shopping cart functionality?

5 A   There are three. Two of them are prefixed with the term

6 REQ. One is called REQHEADER and the other is called REQLINE.

7 The third is called PO interface which we mentioned before,

8 POITERFAC.

9 Q   And what information is stored in that REQLINE table

10 that's relevant to the shopping cart functionality?

11 A   The REQLINE table holds the individual line items

12 representing items that were selected to be added to the

13 shopping cart.

14 Q   Does this REQLINE table also contain a status field?

15 A   Yes, it does. In addition to the item information, it

16 contains a status which can indicate that the item is either --

17 while in the shopping cart, it's in a state called unreleased.

18 Q   What does that mean?

19 A   It means that it is part of a shopping cart and not yet

20 part of a requisition.

21 Q   And is there another status that can be indicated in this

22 status field in addition to the unreleased status that you

23 mentioned?

24 A   Yes. So I'd just say both the REQLINE and REQHEADER table

25 that I mentioned which are involved in this contain a status

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1   4GL COBOL program called RQIF, or release requisition, is

2   invoked.

3   Its first job is to update the status that I mentioned

4   before in both the REQHEADER and REQLINE tables from an

5   unreleased to a released value. The second step is to create

6   records in the PO interface table, POINTERFAC table, which make

7   those records, make that information then available to the

8   purchase order system.

9   Q   Are records created in this PO interface table at the time

10   when items are initially added to the shopping cart?

11   A   No. They are only created after the checkout operation is

12   performed.

13   Q   Are the records in the REQHEADER and REQLINE tables

14   available to the purchase order system prior to that checkout

15   button being pressed?

16   A   No, they are made available by virtue of the records in

17   the PO interface table.

18   Q   Now I'd like to turn to the process for generating a

19   purchase order. Does a source code of the Lawson system

20   implement functionality that generates one or more purchase

21   orders corresponding to the items listed in a requisition built

22   using the Lawson system?

23   A   Yes, it does. The user can use a program called PO 100 to

24   generate one or more purchase orders from a requisition.

25   Q   Does the source code indicate anything about when multiple

Niemeyer - Direct   1251

1   purchase orders would be created from line items in a single

2   requisition?

3   A   Yes. As part of the purchase order generation process,

4   the requisition items are essentially sorted in order to

5   produce a separate purchase order for each vendor corresponding

6   to items in the requisition.

7   Q   Have you prepared a demonstrative to explain how this

8   functionality is implemented in the source code?

9   A   Yes, I have.

10   MS. ALBERT: Mike, could we have slide 27, please.

11 Q   Now, what, if any, database tables are involved in this

12 purchase order functionality?

13 A   There are three depicted here. The first is the PO

14 interface table which I mentioned previously. The two new

15 tables are -- one is called PURCHORDER, short for purchase

16 order, P-U-R-C-H-O-R-D-E-R, and the second is POLINE,

17 P-O-L-I-N-E, short for purchase order line.

18 Q   What information is stored in the PO interface table

19 that's relevant to the purchase order generation function?

20 A   Well, I mentioned before, this serves to make the

21 requisition information available to the purchase order system.

22 Q   And what information does the PURCHORDER or purchase order

23 table store that's relevant to the purchase order generation

24 function?

25 A   A record in the PURCHORDER table represents a specific

Niemeyer - Direct   1252

1   purchase order for a given vendor.

2   Q   What information does the POLINE table store that's

3   relevant to this purchase order generation function?

4   A   The POLINE table contains the individual line items for a

5   specific purchase order. They relate to a given record in the

6   PURCHORDER table, and they contain the information by an

7   individual requested item.

8   Q   Using your diagram, would you explain how that

9   functionality, generating one or more purchase orders, is

10   implemented in the source code?

11   A   Yes. So after the user indicates that they would like to

12   generate purchase orders for a requisition, a request is made

13   to the server side, and the Lawson 4GL program PO 100 is

14   executed. That program reads records from the PO interface

15   table, and as I described before, essentially sorts them in

16   order to create a separate PURCHORDER record for each vendor

17   having items within the requisition.

18   The corresponding line items are added to the POLINE table

19   for that PURCHORDER, and while this process is happening, a

20   textual report is being generated that the user can later print

21   as an actual purchase order.

22   Q   Now, Mr. Niemeyer, I'd like to turn to the procurement

23   punchout application which we discussed earlier. Does the

24   source code of the Lawson system implement the procurement

25   punchout functionality?

Niemeyer - Direct

1   other mechanisms we described.

2   Q   How is this punchout process different, for instance, from

3   when I access a retail website for my home computer on my

4   browser at my computer?

5   A   It's different in that the Lawson system is intermediating

6   it or controlling it in several ways. When you do -- when you

7   shop on your computer at home you are connecting directly to a

8   website like Amazon or something, and all the communication is

9   direct.

10   In the case of the Lawson system foundation, this is

11   happening within the context of the requisition self-service

12   application. The Lawson system both establishes the connection

13   to their remote site, performs a login operation for the user,

14   and then finally when the shopping is done, those results are

15   communicated back to the Lawson system directly which it then

16   incorporates into the user shopping cart within RSS,

17   requisition self-service.

18   MS. ALBERT: Thank you, Mr. Niemeyer. I have no

19   further questions. Please answer any questions that Ms.

20   Stoll-DeBell may have.

21

22   CROSS-EXAMINATION

23   BY MS. STOLL-DeBELL:

24   Q   Good morning, Mr. Niemeyer.

25   A   Good morning.

Niemeyer - Cross   1265

1   Q   So I think I'll reask the question, because I'm not sure I

2   got an answer to it. There is a schema for the item data in

3   the ITEMMAST table.

4   A   Yes, yes, there is.

5   Q   And that's defined by the source code for Lawson's

6   inventory control module?

7   A   Loosely described, yes. There are files which describe

8   the schema -- there are files which describe the schema which I

9   found within the source code. Technically I wouldn't call them

10   source code. They are schema files.

11   Q   And schema defines what fields are included in the

12   ITEMMAST table?

13   A   Yes, it describes them.

14   Q   And is a field -- I think of it as being an attribute for

15   an item. Would you agree with that?

16   A   Sure.

17   Q   So, for example, item number would be a field of the

18   ITEMMAST items?

19   A   Yes. It has a different name, but there is a field that

20   represents the item number.

21   Q   And item description would be another one?

22   A   Yes.

23   Q   Unit of measure another one?

24   A   Yes.

25   Q   You could have provided a list of all of the item master

Niemeyer - Cross   1266

1 fields in your expert report; that is something you are capable

2 of doing?

3 A   Yes.

4 Q   But you did not do so?

5 A   No, I did not.

6 Q   Do you agree with me that the item master schema does not

7 include a field for vendor name?

8 A   The ITEMMAST table contains, among other things, what are

9 known as user defined fields which can be supplied by the user

10 with whatever information they like which could include vendor

11 name or vendor number, things like that. Additionally, I point

12 out that the POITEMVEN table relates to the item master table

13 by virtue of its item number.

14 Q   But that's not what I asked you. I asked you does the

15 ITEMMAST table have a field for vendor name?

16 A   Other than the user defined field which could be used for

17 that purpose, it doesn't have a specific field.

18 Q   It can be used for any purpose, you can put anything in

19 there at all; correct?

20 A   Yes.

21 Q   So I'll ask you again. Does the ITEMMAST table --

22   THE COURT: I think he's answered. He said twice now

23 that --

24   MS. STOLL-DeBELL: I'd just like him to say no, Your

25 Honor.